

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

QUINTAN J. KIMBROUGH,

Plaintiff,

vs.

DOUGLAS COUNTY CORRECTIONS,
MALIK MILLER, BRANDEN C. GUNN,
ZACK WILLIAMS, and BARRETO,

Defendants.

8:23CV49

MEMORANDUM AND ORDER

Plaintiff Quintan J. Kimbrough filed a motion seeking: (1) thirty additional days in which to comply with this Court's September 28, 2023, order requiring him to amend his Complaint; (2) "copies" of the all documents filed into the instant matter as well as Case Number 8:23-cv-64; and (3) for two "42 U.S.C. 1983 pro se packet[s]" including applications to proceed in forma pauperis. [Filing No. 31](#). As cause, Plaintiff submits that he requires additional time to comply with the September 28 order due to having been transferred from USP Leavenworth to a different institution and that during the transfer process most of his hand-written motions and amendments filed into this and Case Number 8:23-cv-64 were discarded or misplaced by prison officials. *Id.* Plaintiff requires copies of all documents filed into each case to proceed. *Id.*

As an initial matter, to the extent Plaintiff seeks copies in Case Number 8:23-cv-64, that request will be addressed via separate order. Moreover, the statutory right to

proceed in forma pauperis does not include the right to receive copies of documents without payment. 28 U.S.C. § 1915; see also *Haymes v. Smith*, 73 F.R.D. 572, 574 (W.D.N.Y.1976) (“The generally recognized rule is that a court may not authorize the commitment of federal funds to underwrite the necessary expenditures of an indigent civil litigant’s action.”) (citing *Tyler v. Lark*, 472 F.2d 1077, 1078 (8th Cir.1973)).

Where there is no right to copies without payment, the Court shall grant Plaintiff’s motion in this case only so he may amend his Complaint and supplements thereto in compliance with this Court’s September 28, 2023. [Filing No. 25](#). **Plaintiff is warned that this is a one-time courtesy and all further requests for copies must be directed to the Clerk’s Office.** If Plaintiff requires copies of additional documents, he should contact the Clerk’s Office to determine the proper method of requesting and paying for copies.

IT IS THEREFORE ORDERED that:

1. Plaintiff’s Motion for Copies, [Filing No. 31](#), is granted to the extent Plaintiff seeks copies of the Complaint, [Filing No. 1](#), Supplements, [Filing Nos. 15, 16, 17, 21, and 24](#) and this Court’s Initial Review Order, [Filing No. 25](#) in the instant case. To the extent Plaintiff’s Motion seeks copies in Case Number 8:23-cv-64, that request shall be addressed via separate order in that case.

2. The Clerk’s Office is instructed to provide Plaintiff copies of [Filing Nos. 1, 15, 16, 17, 21, 24 and 25](#) as well as two copies of the Form Pro Se 14 (“Complaint for Violation of Civil Rights (Prisoner)”) and two copies of the Form AO240 (“Application to Proceed Without Prepayment of Fees and Affidavit”).

3. The Clerk's Office is further instructed to terminate the December 18, 2023, deadline for Plaintiff to amend his Complaint set forth in this Court's November 16, 2023, order. [Filing No. 30](#).

4. Plaintiff now has through and until January 3, 2024, to comply with the September 28, 2023, order at [Filing No. 25](#). If Plaintiff fails to file an amended complaint or otherwise respond, Plaintiff's claims against all Defendants will be dismissed without prejudice and without further notice.

5. Finally, the Clerk's Office is directed to set a pro se case management deadline in this case using the following text: **January 3, 2024**: Check for amended complaint.

Dated this 1st day of December, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Court